

Intellectual Property advocacy in the fields of:

- IP Infrastructure
- IP Valuation
- M & A
- IP Policy
- Technology Transfer
- Innovation Research
- Patent Law
- Licensing
- Data Management
- Copyright
- Collaborations
- Balance for Rights & Obligations

For Private Circulation Only

Pharma Events back in action Post-Covid times

Pharma Live Expo 2023 held from 01st to 03rd March, 2023 at Bombay Exhibition Centre, by IDMA with the slogan “Network with Global Pharma Fraternity @ Pharmacy of the World- India” attracted a large number of Exhibitors as well as was attended by a large African Pharma Delegation among others. The Expo was a grand success. IDMA is actively getting into active promotion mode for Expo’s and Conferences, with more than 5 major events held in 2+ months of 2023. IDMA is participating in another Global Expo at Korea Pharm and Bio-2023 being held at Seoul, South Korea during 18th -21st April, 2023. Many such global events are being held at venues in India as well as overseas, where India is being promoted as a Generic Pharma Capital of the World.

Global Pharma leader status of India, brings up enhanced responsibilities also. Indian Pharma industry need to take extreme caution and do its due diligence to ensure 100 % safety and efficacy for all its products manufactured for India as well as Global markets.



Source: <https://pharmalivexpo.com/>

Intellectual Property advocacy in the fields of:

- IP Infrastructure
- IP Valuation
- M & A
- IP Policy
- Technology Transfer
- Innovation Research
- Patent Law
- Licensing
- Data Management
- Copyright
- Collaborations
- Balance for Rights & Obligations

For Private Circulation Only

Novartis A.g &Anr. vs. Novaegis (India) Pvt. Ltd.

The Delhi High Court recently heard a case alleging 'NOVAEGIS' to be a deceptively similar mark to that of the plaintiff's mark 'NOVARTIS'. In this order, the Delhi High Court observed a phonetic similarity of the two marks and mentioned that an average consumer can be deceived by this similarity. Further, the Court also observed that there is a lot of visual similarity in the size of the mark and its colour scheme which can be confusing for the consumers and it is easy to pass off the defendant's products as that of the plaintiff's. Based on the **S.29 (5)** and **S.29 (2) (b)** of the Trademarks Act, this was a prima facie case of infringement. An inter-locutory injunction was granted against the defendant and the defendant was restrained from using the mark Novaegis.

Source: <https://www.hindustantimes.com/india-news/final-hearing-in-tuberculosis-drug-patent-case-ends-verdict-likely-in-a-month-101675017596040.html>

Delhi High Court levies penalty worth INR 2 crore for violating Interim Injunction

The Delhi High Court imposed heavy damages on Triveni Interchem Pvt. Ltd. in a recent order of *Pfizer vs. Triveni* and imposed costs worth 2 Crores on it for "*willful and contumacious disobedience*" of the interim injunction in the Order dated 21-10-21, in accordance with which the Court had restrained Triveni from synthesizing and selling Palbociclib.

Pfizer proceeded with an application under Order 39 Rule 2A alleging that despite of the injunction, Triveni continued selling Palbociclib, by merely changing the packaging. The court observed that "*the defendant, who has already been found guilty of wilful and contumacious disobedience, against which the defendant has not preferred any appellate or other remedy, is also unwilling to come clean before this Court or to disclose to this Court the amount of Palbociclib in which it has dealt.*" Further, the Court directed Triveni (the Defendant) to pay INR 2 crores to Pfizer (the plaintiff), in the interest of sound principles of equity and justice, within 2 weeks, defaulting which its director shall be detained in the civil prison for 2 weeks.

Source: http://164.100.69.66/jupload/dhc/CHS/judgement/25-01-2023/CHS24012023SC4422021_152423.pdf

Intellectual Property advocacy in the fields of:

- IP Infrastructure
- IP Valuation
- M & A
- IP Policy
- Technology Transfer
- Innovation Research
- Patent Law
- Licensing
- Data Management
- Copyright
- Collaborations
- Balance for Rights & Obligations

For Private Circulation Only

Delhi High Court issues an order favorable to Novartis in Ceritinib Patent Infringement

In the case of *Novartis AG vs. Natco Pharma Ltd.*, the Delhi High Court issued a restraining Order against Natco Pharma Ltd., from infringing the patent rights of Novartis on its anti-cancer drug Ceritinib.

The Plaintiff alleged that the defendants were liable for infringing the Patent rights as they were manufacturing and selling the drug in the market without obtain the license.

Source: <https://www.legaleraonline.com/from-the-courts/delhi-high-court-favours-novartis-in-patent-infringement-suit-against-natco-pharma-849602>

Madras High Court Directs the State Government to issue a Notification for establishing an Intellectual Property Division

The Madras High Court has directed the State Government to issue notification for the inauguration of the Intellectual Property Division (IPD) in pursuance of a writ petition filed by M/s. Galatea Limited regarding its pending case before IPAB, Chennai.

The Intellectual Property Committee constituted by the Chief Justice of Madras High Court has framed a draft of Madras High Court Intellectual Property Rights Division Rules. The draft was presented before the Court and approved on the 7th of July 2022. The Registry also addressed the State Government to notify the Rules in the Official Gazette of the Government of Tamil Nadu and made the necessary follow ups. Yet, no action was taken by the Government so far. Later on, the Court noted that “*When the Madras High Court on the administrative side had approved the Rules and resolved to start the Intellectual Property Division and forwarded the same to the State Government way back on 26.10.2022 for issuance of notification, we do not find any justification on the part of the State Government in not issuing such notification expeditiously.*”

Source: <https://spicyip.com/2023/02/spicyip-tidbit-madras-high-court-directs-the-state-government-to-issue-a-notification-for-establishing-intellectual-property-division.html>

Intellectual Property advocacy in the fields of:

- IP Infrastructure
- IP Valuation
- M & A
- IP Policy
- Technology Transfer
- Innovation Research
- Patent Law
- Licensing
- Data Management
- Copyright
- Collaborations
- Balance for Rights & Obligations

For Private Circulation Only


Trademark Office likely to abandon nearly 190,000 trademarks

The Controller General of Patents, Designs and Trade Marks (CGPDTM) has taken an initiative to clear up backlogs in Trademark Prosecution and Opposition matters. A public notice was issued on 6th of February, 2023 consisting of a colossal list of Trademark application numbers that are said to contain those applications that could be a subject of abandonment as per the provisions of law. The said list was published along with Trademark Journal no. 2090 and the Office has been sending notices to the agents through email as a way of providing the applicants a final opportunity to defend their marks. The notice was categorized under two heads:-

- a. For abandonment of application due to non-filing of response to the examination report
- b. For abandonment of application due to non-filing of counter statement in opposition proceeding.

Source: <https://selvams.com/blog/indian-trademark-office-likely-to-abandon-several-thousand-trademark-applications/>

The Delhi High Court declares the H device of Hermes International to be a well-known trademark

In a trademark infringement suit of *HERMES INTERNATIONAL & ANR. Vs CRIMZON FASHION ACCESSORIES PRIVATE LIMITED* – 2023/DHC/000961, the Delhi High Court declared that Hermes mark () to be a well-known trademark within **S. 2(1) (zg)** of the Trademarks Act, 1999. The Counsel on behalf of Hermes submitted that the mark has been displayed at numerous stores in Mumbai and Delhi. Further, Hermes trademark was coined in the year 1997 and has been producing and promoting the products bearing the trademark, extensively. The brand has filed for and obtained registration in India and over 93 countries and has been active in protecting and enforcing its rights against third parties. The Delhi High Court was convinced and according, accorded the H device mark, the status of well-known trademark under **S. 2(1)(zg)** of the Trade Marks Act, 1999.

Source: <https://selvams.com/blog/the-h-device-of-hermes-international-has-been-declared-a-well-known-trademark-by-the-delhi-high-court/>

Intellectual Property advocacy in the fields of:

- IP Infrastructure
- IP Valuation
- M & A
- IP Policy
- Technology Transfer
- Innovation Research
- Patent Law
- Licensing
- Data Management
- Copyright
- Collaborations
- Balance for Rights & Obligations

For Private Circulation Only

Recent episodes of contaminated cough

Symptoms due to inadequate quality control on Propylene glycol used as a Pharmaceutical excipient may not have severely and adversely affected India's reputation globally; however this has to be taken note of as a serious warning signal. The episodes involving use of industrial grade of Propylene glycol (meant for other uses) in Cough Syrups (instead of using 100 % pure pharmaceutical grade of IP standards) is an age-old problem, the first being of the 1980's. The newly appointed DCGI (Drugs Controller General of India) will survey and seriously engage himself in ensuring that such adverse events do not recur, it is hoped.

Let us all, work together to ensure that the reputation of India as "Pharmacy of the World" is extended to 100 % safety and efficacy guarantees, not only the regulatory authorities, but also by the Indian Pharmaceutical industry and more unfortunately by the IDMA, the Prime Mover in the Indian Pharma's Global thrust and positioning.

Source: <https://timesofindia.indiatimes.com/city/mumbai/4-cough-syrup-cos-couldnt-prove-they-did-anti-adulteration-tests/articleshow/98439104.cms>